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Paper No. 5

MOTOROLA INC
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MAR 11 2004

In re Application of
Michael D. Kotzin
Application No. 09/921,392
Filed: 2 August, 2001
Attorney Docket No. CS10466

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),¹ filed on 8 December, 2003, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on 26 November, 2001, for failure to timely file an executed oath or declaration, and a surcharge for its late filing, as required by the Notice of Allowability mailed on 25 September, 2001, which set a two (2) month shortened period for reply. Notice of Abandonment was mailed on 29 November, 2003.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The petition fee will be charged to counsel's deposit account, No. 50-2117, as authorized in the present petition. Additionally, the fee transmittal sheet dated 2 August, 2001, a copy of which is attached to the present petition, will be construed as an authorization to charge to counsel's deposit account No. 13-4768, the late-filing surcharge as required by the Notice to File Missing Parts.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.



Douglas I. Wood
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